

PATENT # 8

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoichiro ARIMA *et al.*

U.S. Appl. No. 09/403,603

Int. Appl. No.: PCT/JP98/01844

Int. Filing Date: October 22, 1999

For: ELECTRODE AND CELL

Art Unit: (Not yet assigned)

Examiner: (Not yet assigned)

Atty Docket: P64708US0

## RENEWED PETITION UNDER 37 CFR § 1.182

Assistant Commissioner for Patents

Box PCT Legal

Washington, D.C. 20231

Attn: PCT Legal Office

RECEIVED

12 FEB 2001

Legal Staff  
International Division

Sir:

Reconsideration of the Decision dated December 12, 2000 is respectfully requested. A check in the amount of \$130 to cover the requisite petition fee is submitted herewith. In the event that additional fees are required for consideration of this paper, such fees are hereby authorized to be charged to our Deposit Account No. 06-1358.

A new Declaration executed by seven of the eight inventors is also submitted herewith. The eighth inventor, Hisashi TSUKAMOTO, has declined to execute the Declaration. All of the inventors, including Hisashi TSUKAMOTO, executed an assignment to Japan Storage Battery Co., Ltd. and Mitsubishi Denki Kabushiki Kaisha. This assignment was recorded at the Patent and Trademark Office on May 31, 2000 at Reel 10981, frames 617 *et seq.* In accordance with 37 CFR

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The PTO did not receive the following  
listed item(s) CHECK IN THE  
AMOUNT OF \$ 130.00

§ 1.64 and MPEP § 409.03(a), it is requested that the Declaration be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor, Hisashi TSUKAMOTO.

The Declaration that was filed on May 31, 2000 was received by the undersigned counsel's law firm on or about December 22, 1999 from the Assignees' Japanese counsel, Masaki KAWASAKI, of the Japanese patent firm Kawasaki & Co. This Declaration was executed by all eight inventors; although as later determined by the office of National Stage Processing, it was not executed in a manner consistent with the requirements of 37 CFR § 1.66 or 37 CFR § 1.68.

On January 1, 2000, the undersigned counsel moved to the firm of Jacobson, Price, Holman & Stern, PLLC. On or about February 3, 2000, the undersigned counsel sent a letter to Mr. Kawasaki (Exhibit A) reporting the Notification of Missing Requirements and providing a new Declaration for the inventors to sign. On or about May 16, 2000, the undersigned counsel received a reply from Mr. Kawasaki dated May 16, 2000 (Exhibit B) indicating that Hisashi TSUKAMOTO had left his job, and that Kawasaki & Co. was unable to locate him. In view of the upcoming, non-extendable date for responding to the Notification of Missing Requirements, the undersigned counsel filed the executed Declaration that was received on or about December 22, 1999.

Following receipt of the Notification of Defective Oath or Declaration, a telephone call was made to Mr. Winston Alvarado, the Paralegal Specialist who signed the Notification, to determine how best to respond to the Notification. The Response submitted July 17, 2000 was believed to be responsive to the Notification of Defective Oath or Declaration in accordance with the telephone conference with Mr. Alvarado. In further response to a telephone inquiry of September 18, 2000 by Mr. Alvarado, a letter was submitted on September 18, 2000 submitting a copy of the executed

Declaration, marked in red to indicate the correct numerical order of the inventors. It was understood at that time that the papers filed on July 17, 2000 and September 18, 2000 were in combination fully responsive to the Notification of Defective Oath or Declaration.

On or about December 18, 2000, following receipt of the Decision dated December 12, 2000, the undersigned counsel sent a new copy of an unexecuted Declaration to Mr. Kawasaki via facsimile, to be executed by the inventors in conformity with the Decision. On or about January 31, 2001, the undersigned counsel received a facsimile letter from Mr. Kawasaki dated January 31, 2001 (Exhibit C) enclosing a Declaration executed by seven of the inventors, and advising that Kawasaki & Co. had located Hisashi TSUKAMOTO but that he would not sign and date the Declaration.

On or about January 31, 2001, the undersigned counsel sent a letter to Mr. Kawasaki via facsimile requesting further information regarding Hisashi TSUKAMOTO's refusal to sign the Declaration. On or about February 2, 2001, the undersigned counsel received a facsimile letter from Mr. Kawasaki dated February 2, 2001 (Exhibit D), setting forth the circumstances surrounding Hisashi TSUKAMOTO's refusal to sign the Declaration. On or about February 6, 2001, the undersigned counsel received a facsimile letter from Mr. Kawasaki dated February 6, 2001 (Exhibit E), setting forth further circumstances surrounding Hisashi TSUKAMOTO's refusal to sign the Declaration. Mr. Kawasaki's Declaration is also submitted herewith.

An explanation of the difference in the fifth and seventh listed inventors' last names between the original Declaration submitted in response to the Notification of Missing Requirements and in the International Application, and an explanation why the inventors did not note the correction of

their last names in the published International Application, is provided in Mr. Kawasaki's letter of January 31, 2001 (Exhibit C).

The last known address for Hisashi TSUKAMOTO is:

Hisashi TSUKAMOTO  
c/o Quallion, LLC  
28460 Avenue Stanford, Suite 100  
Valencia, CA 91355

In view of the foregoing, and the accompanying Declaration of Mr. Kawasaki, reconsideration of the Decision on Applicants' "Response to Notification of a Defective Response and Response to Notification of a Defective Oath or Declaration," and acceptance of the accompanying executed Declaration of the inventors under 37 CFR § 1.47, are respectfully requested.

Should any questions arise, the PCT Legal Office staff is invited to call the undersigned representative so that this case may proceed to examination.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

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